

REMARKS

Applicant hereby requests further examination of the subject application in view of the RCE, amendments, and remarks presented herein.

In a first rejection, Examiner rejected claim 10 under 35 USC 112, second paragraph, as being indefinite for improperly relating various elements to their respective functions. Examiner asserted that sections (b), (c), and (d) of claim 10 are unclear as to whether the recited functions are intended as limitations or intended use. Applicant has corrected the claim language in the amendment hereinabove by employing proper “means plus function” language in accordance with 35 USC 112, sixth paragraph. It is now clear that applicant intends to recite the functions as limitations. Applicant respectfully submits that the first rejection is overcome, and respectfully requests withdrawal of the first rejection.

In a second rejection, Examiner rejected claim 10 under 35 USC 103(a) as unpatentable over Greenbaum, et al. (US 2002/0102629) (Greenbaum) in view of Brigante (US 4,347,133) (Brigante), Kolber, et al. (US 4,942,303) (Kolber), and Shaw, et al. (US 5,645,799) (Shaw). Applicant respectfully traverses the second rejection in view of the amendment made hereinabove.

Applicant asserts that the amended claim contains a limitation that distinguish applicant’s invention over the cited combination of references. In particular, the electronics package is required to be “configured for controlling the flow of consecutive water samples through said first reservoir means so that less than 10% of a newest water sample is mixed with water from a previous sample in order to increase sensitivity of fluorescence analysis while decreasing total time required to perform fluorescence analysis” as described in the specification in particular on page 6, lines 23-30. Applicant respectfully contends that the combination of Greenbaum, Brigante, Kolber, and Shaw do not teach or even suggest the claimed device including said limitation to a person having ordinary skill in the art. Applicant therefore respectfully contends that the second rejection is overcome, and respectfully requests withdrawal of the second rejection.

Applicants earnestly solicit allowance of claim 10 and the issue of U.S. letters patent therefor. Applicant has made every effort to present claims which clearly distinguish over the cited art, and it is believed that all pending claims are now in condition for allowance. However, applicant requests that the Examiner call the undersigned (direct line 865-574-4178) if anything further is required by the Examiner prior to issuance of a Notice of Allowance for all claims.

Respectfully Submitted,

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